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REMARKS


Claims 1-36 are pending in this application, all of which were rejected under 35 U.S.C. 102(e). None of the claims is currently amended. Reconsideration is respectfully requested.

The sole reference relied upon by the Office to reject claims 1-36 is Graves et al., USP 6,690,848. Graves was filed June 29, 2001. There is no indication that Graves claims priority to an earlier filed application. Hence, the effective date of the Graves reference is June 29, 2001. The present application claims priority to U.S. Provisional Patent Application 60/225,335 entitled OPTICAL SERVICE AGENT, which was filed August 15, 2000. The claim of priority is recited in the specification at page 1. Since the priority date of this application, August 15, 2000, is prior to the effective date of Graves, June 29, 2001, the Graves reference cannot properly be applied against this application under 102(e). Withdrawal of the rejection is therefore requested. Further, since the sole basis for the rejection in the Office Action was improper, the next action from the Office, if not a Notice of Allowance, should be non-Final.

Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date


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